

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Daniel Gavin	Team: Squad #1	CCRB Case #: 201808812	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 10/21/2018 9:30 PM	Location of Incident: Pacific Street and Flatbush Avenue	Precinct: 78	18 Mo. SOL 4/21/2020	EO SOL 12/6/2020	
Date/Time CV Reported Tue, 10/23/2018 3:59 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 10/23/2018 3:59 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Denisse Pacheco	00800	949434	078 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DTS Mohtsham Yousaf	07813	949751	078 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Denisse Pacheco	Abuse: Police Officer Denisse Pacheco threatened to forcibly remove § 87(2)(b) to the hospital.	
B.POF Denisse Pacheco	Discourtesy: Police Officer Denisse Pacheco spoke discourteously to § 87(2)(b)	

Case Summary

On October 23, 2018, § 87(2)(b) filed this complaint with the CCRB via telephone.

On October 21, 2018, at approximately 9:30 p.m., § 87(2)(b) was waiting at the bus stop located at Flatbush Avenue and Pacific Street in Brooklyn. A bus stopped for § 87(2)(b) but the bus driver told her that he could not pick up handicapped persons at the location. § 87(2)(b) called 911 to make a complaint. PO Denisse Pacheco and Detective Mohtsham Yousaf, of the 78th Precinct, responded. PO Pacheco allegedly threatened to call an ambulance for § 87(2)(b) (**Allegation A: Abuse of Authority:** § 87(2)(g) and said, “God doesn’t love you” (**Allegation B: Discourtesy:** § 87(2)(g) to § 87(2)(b)

There is no video available for this case.

Findings and Recommendations

Allegation A: Abuse of Authority: Police Officer Denisse Pacheco threatened to forcibly remove § 87(2)(b) to the hospital.

Allegation B: Discourtesy: Police Officer Denisse Pacheco spoke discourteously to § 87(2)(b)

§ 87(2)(b) s phone statement and verified statement differ, in that § 87(2)(b) initially reported that she was taken to a hospital on October 21, 2018. However, during her verified statement, § 87(2)(b) stated that she was not taken to a hospital in October, but removed to a hospital by the same officers in June 2018.

§ 87(2)(b) testified that, on October 21, 2018, a bus stopped at the bus stop at Flatbush Avenue and Pacific Street, and she asked the driver to put the ramp down on the bus so she could board with her walker, but the driver did not, and told her that handicapped persons could not board at that stop. § 87(2)(b) told the driver that she could be picked up there, and spoke with the bus driver for approximately 15 minutes before calling the police. PO Pacheco, Det. Yousaf and two unidentified officers responded. The bus driver told PO Pacheco that § 87(2)(b) could not board the bus because there was a pole blocking the bus entrance. § 87(2)(b) argued that the bus driver was lying. PO Pacheco told § 87(2)(b) “You’re not getting on this bus. Do you want me to call the ambulance on you?” PO Pacheco then told § 87(2)(b) several times that God did not like her. § 87(2)(b) suffers from a Parkinson’s condition which causes her body to shake when she is nervous. Because she felt antagonized by the bus driver, § 87(2)(b) believed that her hands were shaking while she spoke with the officers. § 87(2)(b) described her demeanor as “loud” because she had to speak loud so that the bus driver and PO Pacheco could hear her, but she did not curse at the bus driver or the officers. The officers did not call an ambulance, and § 87(2)(b) was not brought to a hospital (Board Review 01).

Event # § 87(2)(b) shows only one unit responding to the incident (Board Review 02).

PO Pacheco testified that she and Det. Yousaf responded to a ‘10-68’ call to see a complainant at the intersection of Flatbush Avenue and Pacific Street. Upon arriving, PO Pacheco spoke with the

bus driver, who told PO Pacheco that § 87(2)(b) was “acting out” and upset because she wanted him to open the back door to the bus so that she could board with her walker, but the driver was unable to open the door so that § 87(2)(b) could bring the walker on board. PO Pacheco told § 87(2)(b) that she could walk to the next bus stop, at the corner of Atlantic Avenue and Flatbush Avenue to board the bus, and estimated that she told § 87(2)(b) this approximately four times. § 87(2)(b) was “very loud” and “belligerent” and cursed at PO Pacheco, Det. Yousaf, and the bus driver, and was moving around while speaking to them. § 87(2)(b) called Det. Yousaf a terrorist, said she hoped Donald Trump would build a wall for PO Pacheco, and called both officers the devil. Other than moving around, § 87(2)(b) was not doing anything physically. § 87(2)(b) did not make any statements about wanting to hurt herself or anybody else, and did not request to go to a hospital. PO Pacheco did not tell § 87(2)(b) that God did not like her. PO Pacheco told § 87(2)(b) “If you’re going to start acting up, I’m going to call a bus, and have them evaluate you,” because she believed that § 87(2)(b) was not taking her medication and knew that § 87(2)(b) does not like to go to the hospital, based on prior experiences with § 87(2)(b). § 87(2)(b) After PO Pacheco told § 87(2)(b) that she would call an ambulance, § 87(2)(b) left the location. PO Pacheco thought that her statement about calling an ambulance scared § 87(2)(b) and that this was why she left the location (Board Review 03).

Det. Yousaf testified that, on October 21, 2018, he and PO Pacheco received a call that said that § 87(2)(b) was holding a bus from leaving, which was blocking traffic. Upon arriving, Det. Yousaf and § 87(2)(b) spoke to § 87(2)(b). § 87(2)(b) wanted a bus to pull up to the curb so she could get her carriage, a cart with wheels, onto the bus. Det. Yousaf told § 87(2)(b) he could put the carriage in the bus for her, but § 87(2)(b) told him not to. Det. Yousaf and PO Pacheco suggested that § 87(2)(b) could go to the next bus stop. While speaking with § 87(2)(b), she yelled and cursed at the officers. She called them the devil, told them that God did not like them, and said that their kids would not grow up to be good. § 87(2)(b) walked into and out of Flatbush Avenue several times during the incident while there was traffic. Det. Yousaf could not remember if § 87(2)(b) made any threats to hurt herself or anybody else. Det. Yousaf could not remember if PO Pacheco threatened to call an ambulance on you but believed that he and PO Pacheco did in fact call an ambulance for § 87(2)(b) and transported her to § 87(2)(b). PO Pacheco did not tell § 87(2)(b) that God did not like her (Board Review 04).

§ 87(2)(g)

§ 87(2)(g) The undersigned contacted New York City Transit to identify the bus driver so that he could provide testimony, but after five additional contact attempts, New York City Transit did not contact the undersigned to identify him.

Patrol Guide Procedure 221-13 states that officers may take a person who is apparently mentally ill or emotionally disturbed in protective custody if that person is conducting himself in a manner likely to result in a serious injury to himself or others (Board Review 05).

§ 87(2)(g)

Patrol Guide Procedure 203-09 states that officers must be courteous and respectful when speaking with civilians (Board Review 06).

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to three CCRB complaints and has been named as a victim in six allegations (Board Review 07).
 - § 87(2)(b)
- Police Officer Denisse Pacheco has been a member-of-service for eight years and has been a subject in six CCRB complaints and nine allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this case.
- As of January 16, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (Board Review 08).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date